

BAKER & HOSTETLER LLP

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David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LUCKY COMPANY, A New Jersey partnership,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04490 (SMB)

AFFIDAVIT FOR JUDGMENT BY DEFAULT

STATE OF CALIFORNIA)
) ss.:
COUNTY OF LOS ANGELES)

Michael R. Matthias, being duly sworn, deposes and states:

1. I am a partner with the firm of Baker & Hostetler LLP, attorneys for Irving H. Picard (“Trustee”), Trustee for the consolidated Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the Estate of Bernard L. Madoff, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 7055-2(a) of the Local Rules of the Bankruptcy Court for the Southern District of New York, in support of the Trustee's application for entry of a default judgment against Defendant Lucky Company (“Defaulting Defendant”).

3. This action is an adversary proceeding commenced before the same Court before which the main underlying SIPA proceeding, No. 08-01789 (SMB) (the “SIPA Proceeding”), is pending. The SIPA Proceeding was originally brought in the United States District Court for the Southern District of New York as *Securities and Exchange Commission v. Bernard L. Madoff Investment Securities LLC et al.*, No. 08 CV 10791, and has been referred to this Court. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) and 15 U.S.C. §§ 78eee(b)(2)(A), (b)(4). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (H), and (O).

4. On November 30, 2010, the Trustee commenced this adversary proceeding by filing the Complaint against Defaulting Defendant Lucky Company, and other defendants. Dkt. No. 1.

5. On January 18, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defaulting Defendant. Dkt. No. 4. An Affidavit of Service evidencing proper and timely service

was filed with the Court. *Id.* A true and correct copy of the Affidavit of Service is attached hereto as Exhibit 1.

6. All of the defendants named in the Complaint other than Defaulting Defendant have been dismissed as defendants from this adversary proceeding. Dkt. Nos. 13-18, 26, 110, 115-117, 119-122, 124, 127-128 and 134-135.

7. Defaulting Defendant has not answered the Complaint, and the time for Defaulting Defendant to answer the Complaint has expired. A true and correct copy of the Entry of Default obtained pursuant to Local Bankruptcy Rule 7055-1 is attached hereto as Exhibit 2. *See also* Dkt. No. 137.

8. The Complaint in this adversary proceeding asserted claims pursuant to sections 78fff(b), 78FFF-l(a) and 78fff-2(c)(3) of the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, et seq., and other applicable law, seeking the avoidance and recovery of transfers in the sum of \$1,414,323 made by BLMIS to Defaulting Defendant during the two years prior to the Filing Date. *See* Compl. ¶ 39 and Compl. Exhibit B.

9. This action seeks judgment for the liquidated amount of \$1,414,323 pursuant to Count One of the Complaint, which is justly due and owing, and no part of which has been paid. Count One of the Complaint is the only claim remaining in this Adversary Proceeding. *See* Dkt. No. 135.

10. Attached hereto as Exhibit 3 is a true and correct copy of the Affidavit of Service reflecting proper service of the Clerk's Entry of Default on Defaulting Defendant on January 3, 2018. *See also* Dkt. No. 139.

11. I declare under penalty of perjury that the forgoing is true and accurate to the best of my knowledge, information and belief.

Dated: Los Angeles, California
September 7, 2018



Michael R. Matthias

Sworn to before this , day of
September, 2018

Notary Public

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On September 7, 2018 before me, Bonita J. Paul, Notary Public
(insert name and title of the officer)

personally appeared Michael R. Matthias,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Bonita J. Paul (Seal)

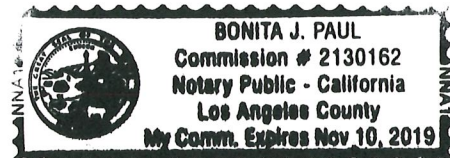


EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Case No. 09-11893 (BRL)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04490

LUCKY COMPANY, a New Jersey partnership,
BETH H. GERSTEN (aka BETH HENDLER),
ROBIN EASTERN, MUNCHKINS, a partnership,
IRVING B. KAHN FOUNDATION, INC., a
Delaware corporation, MILTON HENDLER
RESIDUARY TRUST, a Florida trust, GLORIA
HENDLER REVOCABLE TRUST, a Florida trust,
GLORIA HENDLER, as trustee and as an
individual, ALAN HAYES, WENDY
WOLOSOFF-HAYES, BRIGID BUCHANAN,
SANDRA RAMIREZ, BRIAN CLEARY, PETER
J. CLEARY, STUART M. TARSHIS, ROBERTA
E. TARSHIS, PHYLLIS M. ELDRIDGE, LESLIE
READ, SCOTT H. READ, CHARLES READ,
MARK HENDLER, DENISE HENDLER,
JOSEPH S. EASTERN 2004 IRREVOCABLE
TRUST, a New Jersey trust, JOSEPH S.
EASTERN, as trustee and as an individual,
SHIRLEY CHARMS, DAVID Z. ROSENSWEIG,
CARLY EASTERN, and ERIN EASTERN,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

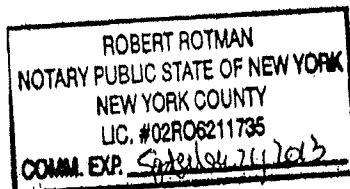
I, Emily E. Holley declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 18th day of January, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the
 - (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the
 - (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 3); and the
 - (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
 - (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
 - (vi) "Amended Notice of Omnibus Avoidance Action Hearing Dates",to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 18th day of January, 2011 at New York, New York.

By Emily E. Holley
Emily E. Holley

Sworn before me this
18th day of January, 2011

Robert Rotman
Notary Public



Date : 1/18/2011

Adv Pro No: 10-04490 (BRL)
Exhibit 1
Redacted Version

Page # : 1

LUCKY COMPANY

LUCKY COMPANY
LEDGEWOOD NJ 07852

000935 011482

LUCKY COMPANY
CHESTER NJ 07930

000935 011483

BETH H. GERSTEN (AKA BETH HENDLER), AS GENERAL PARTNER OF LUCKY COMPANY, AS PARTNER OF MUNCHKINS, AND AS AN INDIVIDUAL

BETH H. GERSTEN (AKA BETH HENDLER), AS GENERAL PARTNER OF LUCKY COMPANY, AS PARTNER OF MUNCHKINS, AND AS AN INDIVIDUAL
LEDGEWOOD NJ 07852

001084 011484

ROBIN EASTERN, AS GENERAL PARTNER OF LUCKY COMPANY, AS PARTNER OF MUNCHKINS, AND AS AN INDIVIDUAL;

ROBIN EASTERN, AS GENERAL PARTNER OF LUCKY COMPANY, AS PARTNER OF MUNCHKINS, AND AS AN INDIVIDUAL,
NORTH CALDWELL NEW JERSEY 07006

001085 008792

MUNCHKINS

MUNCHKINS
LEDGEWOOD NJ 07852

001086 011490

IRVING B. KAHN FOUNDATION INC.

IRVING B. KAHN FOUNDATION INC.
WILMINGTON DE 19801

001087 011497

MILTON HENDLER RESIDUARY TRUST, AS GENERAL PARTNER OF LUCKY COMPANY

MILTON HENDLER RESIDUARY TRUST, AS GENERAL PARTNER OF LUCKY COMPANY
LEDGEWOOD NJ 07852

001088 011499

GLORIA HENDLER REVOCABLE TRUST

GLORIA HENDLER REVOCABLE TRUST
LEDGEWOOD NJ 07852

001089 011506

GLORIA HENDLER, AS TRUSTEE AND AS AN INDIVIDUAL

GLORIA HENDLER, AS TRUSTEE AND AS AN INDIVIDUAL
LEDGEWOOD NJ 07852

001090 011501

ALAN HAYES

ALAN HAYES
GERMANTOWN NEW YORK 12526

001091 008797

WENDY WOLOSOFF-HAYES

WENDY WOLOSOFF-HAYES
GERMANTOWN NEW YORK 12526

001092 008798

Date : 1/18/2011

Adv Pro No: 10-04490 (BRL)

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Exhibit 1
Redacted Version

BRIGID BUCHANAN

BRIGID BUCHANAN
NEW YORK NEW YORK 10025

001093 008799

SANDRA RAMIREZ

SANDRA RAMIREZ
FOREST HILLS NEW YORK 11375

001094 008800

BRIAN CLEARY

BRIAN CLEARY
NORWALK CONNECTICUT 06850

001095 008801

PETER J. CLEARY

PETER J. CLEARY
NORWALK CONNECTICUT 06850

001096 008802

STUART M. TARSHIS

STUART M. TARSHIS
JERICHO NEW YORK 11753

001097 008803

ROBERTA E. TARSHIS

ROBERTA E. TARSHIS
NEW YORK NEW YORK 10021

001098 008804

PHYLLIS M. ELDRIDGE

PHYLLIS M. ELDRIDGE
WESTPORT CONNECTICUT 06880

001099 008805

LESLIE READ

LESLIE READ
PORT WASHINGTON NEW YORK 11050

001100 008806

SCOTT H. READ

SCOTT H. READ
SCARBOROUGH MAINE 04074

001101 008807

CHARLES READ

CHARLES READ
NEW YORK NEW YORK 10021

001102 008808

MARK HENDLER

MARK HENDLER
CHARLESTON SC 29412

001103 008810

Date : 1/18/2011

Adv Pro No: 10-04490 (BRL)

Page # : 3

Exhibit 1

Redacted Version

DENISE HENDLER

DENISE HENDLER
CHARLESTON SC 29412

001104 008818

JOSEPH S. EASTERN 2004 IRREVOCABLE TRUST

JOSEPH S. EASTERN 2004 IRREVOCABLE TRUST
NORTH COLDWELL JEW JERSEY 07006

001105 008814

JOSEPH S. EASTERN AS TRUSTEE AND AS AN INDIVIDUAL

JOSEPH S. EASTERN AS TRUSTEE AND AS AN INDIVIDUAL
NORTH COLDWELL JEW JERSEY 07006

001106 008815

SHIRLEY CHARMS

SHIRLEY CHARMS
DEERFIELD BEACH FLORIDA 33442

001107 008813

DAVID Z. ROSENSWEIG

DAVID Z. ROSENSWEIG
BRONXVILLE NEW YORK 10708

001108 008811

CARLY EASTERN

CARLY EASTERN
NORTH CALDWELL NEW JERSEY 07006

001109 008809

ERIN EASTERN

ERIN EASTERN
NEW YORK NEW YORK 10009

001110 008812

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
Southern District of New York

In re: Administrative Case Re: 08-1789 (Securities Invest

Bankruptcy Case No.:
08-99000-smb

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff

Plaintiff(s),

—against—

Adversary Proceeding No.
10-04490-smb

Lucky Company, a New Jersey partnership
aka Beth Hendler

Defendant(s)

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by
law.

Name:	LUCKY COMPANY
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Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Dated: 12/29/17

Vito Genna

Clerk of the Court

By: /s/ Dawn McCaffrey

Deputy Clerk

EXHIBIT 3

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

V.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

V.

LUCKY COMPANY, a New Jersey partnership,

Defendant.

Adv. Pro. Nos. 10-04490 (SMB)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, Rudolf Radic, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On January 3, 2018, I served the Entry of Default by emailing the interested parties true and correct copies via electronic transmission to the email addresses designated for delivery and/or by placing true and correct copies thereof in sealed packages designated for regular U.S. Mail to those parties as set forth on the attached Schedule A.

TO: *See Attached Schedule A*

/s/ Rudolf Radic
Rudolf Radic

Sworn to before me this
3rd day of January, 2018

/s/Sonya M. Graham
Notary Public

Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept.12, 2021

SCHEDULE A

Defendant Counsel

Barry R. Lax.
Brian J. Neville
Lax & Neville, LLP
Email: blax@laxneville.com
Email: bneville@laxneville.com
Attorney For: LUCKY COMPANY